

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Pro Se [Non-Prisoner] Complaint Form



James J Carter and Gladys M Carter,
(Your Name)

Plaintiff,

V.

Rogers, Townsend, & Thomas, P.C.
David N. – Attorney Rogers, Townsend, & Thomas, P.C.
John Doe – Managing Partner Rogers, Townsend, & Thomas P.C.
Walter Investment Management Corp
Green Tree Servicing, LLC
John P Fetner – Attorney Rogers, Townsend, & Thomas P.C.
John Doe – CEO Green Tree Servicing, LLC
Mark J O'Brien – CEO Walter Management Investment Corp

Defendant(s).

Civil Action No. 1:12cv495
(to be assigned by the Clerk)

COMPLAINT

I. JURISDICTION

Federal Question 28 U.S.C. 1331 and Diversity of Citizenship U.S.C. 1332

II. PARTIES

A. Plaintiff

Name of Plaintiff: James J Carter and Gladys M Carter
Address: 148 Renola Dr. Archdale, NC 27263

B. Defendant(s) (**Notice:** A person must be identified in subsections B and C in order to be considered as a defendant.)

Name of Defendant: Rogers, Townsend, & Thomas, P.C.
Address of Defendant: 2550 West Tyvola Road, Suite 520
Charlotte, NC 28217

C. Additional Defendants (Please provide the same information for each Defendant as listed in Item B above):

Name of Defendant: David N. – Attorney Rogers, Townsend, & Thomas, P.C.
Address of Defendant: 2550 West Tyvola Road, Suite 520
Charlotte, NC 28217

Name of Defendant: John Doe – Managing Partner Rogers, Townsend, & Thomas P.C.
Address of Defendant: 2550 West Tyvola Road, Suite 520
Charlotte, NC 28217

Name of Defendant: John P Fetner – Attorney Rogers, Townsend, & Thomas P.C.
Address of Defendant: 2550 West Tyvola Road, Suite 520
Charlotte, NC 28217

Name of Defendant: Walter Investment Management Corp
Address of Defendant: 3000 Bayport Drive Suite 1100
Tampa, FL 33607

Name of Defendant: Mark J O'Brien – CEO Walter Management Investment Corp
Address of Defendant: 3000 Bayport Drive Suite 1100
Tampa, FL 33607

Name of Defendant: Green Tree Servicing, LLC
Address of Defendant: 7360 South Kyrene Road
Tempe, AZ 85283

Name of Defendant: John Doe – CEO Green Tree Servicing, LLC
Address of Defendant: 7360 South Kyrene Road
Tempe, AZ 85283

III. STATEMENT OF CLAIM

(State here as briefly as possible the **FACTS** of your case. Do this by identifying the alleged legal wrong and by describing how each defendant named in Section II.B. and C. above is personally

responsible for depriving you of your rights. Include relevant times, dates, and places. Also, you must state the basis for federal jurisdiction. In other words, why should the case be in federal court and not state court. **DO NOT GIVE LEGAL ARGUMENT OR CITE CASES.** Number and set forth each separate claim in a separate paragraph.) Attach extra sheets if necessary.)

(1) On or before April 12, 2012 Defendants with intent to commit mail fraud, fraud, grand larceny, and conspiracy did use the U.S. Mail to send a fraudulent foreclosure petition and related documents to James J Carter and Gladys M Carter in an attempt to steal real property worth at least \$150,000.

(a) Defendants knew or should have known the documents they were using the U.S. Mail to deliver to James J Carter and Gladys M Carter were fraudulent and contained false statements intended to induce the Randolph County Superior Court to fraudulently foreclose on real property owned by James J Carter and Gladys M Carter and to defraud Fannie Mae out of a mortgage Fannie Mae is the legal owner of. The specific false statements included in the fraudulent mailings are detailed in successive points in this Complaint.

(b) Through these actions Defendants attempted to defraud James J Carter and Gladys M Carter out of real property worth at least \$150,000 through the fraudulent documents sent through the U.S. Mail.

(c) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and

Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(d) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(e) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(f) Plaintiffs request a Jury Trial on this Claim.

(2) On or before April 12, 2012 Defendants with intent to commit fraud, mail fraud, and grand larceny did conspire in violation of federal law to file a fraudulent foreclosure petition and related documents in the Randolph County Superior Court and did so while engaging in Interstate Commerce in an attempt to steal real property worth at least \$150,000.

(a) Defendants conspired in violation of federal law to commit the criminal acts of fraud, mail fraud, and grand larceny described in this Complaint in an attempt to steal real property belonging to James J Carter and Gladys M Carter and to defraud Fannie Mae out of a mortgage Fannie Mae is the legal owner of. The specific false statements and other criminal acts which the Defendants conspired to commit included are detailed in successive points in this Complaint.

(b) Through these actions Defendants attempted to defraud James J Carter and Gladys M Carter out of real property worth at least \$150,000.

(c) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and

Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(d) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(d) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(e) Plaintiffs request a Jury Trial on this Claim.

(3) On or before April 12, 2012 Defendants with intent to commit fraud, mail fraud, grand larceny, and conspiracy did violate the Federal Racketeer Influenced Corrupt Organization Act by conspiring to file a fraudulent foreclosure petition and related documents in the Randolph County Superior Court in an attempt to steal real property worth at least \$150,000.

(a) Defendants knew or should have known the documents they were using in an attempt to foreclose on the real property in question in the Randolph County Superior Court were fraudulent and contained false statements intended to induce the Randolph County Superior Court to fraudulently foreclose on real property owned by James J Carter and Gladys M Carter and to defraud Fannie Mae out of a mortgage Fannie Mae is the legal owner of. The specific false statements included in the fraudulent mailings are detailed in successive points in this Complaint.

(b) The criminal actions of Defendants and the conspiracy to commit these criminal acts between two or more parties residing in different states show a pattern of racketeering as defined in the RICO Act.

(c) Through these actions Defendants attempted to defraud James J Carter and Gladys M Carter out of real property worth at least \$150,000 through the fraudulent documents sent through the U.S. Mail.

(d) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter

Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(e) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(f) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this

Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(g) Plaintiffs request a Jury Trial on this Claim.

(4) On April 12, 2012 Defendants with intent to defraud Plaintiffs fraudulently filed and/or caused to be filed with the Randolph County Superior Court a foreclosure petition alleging Green Tree Servicing, LLC owned a Deed of Trust and the debt underlying it on a property therein described as 148 Renola Dr. Archdale, NC 27263 f/k/a 134 Renola Dr. Archdale, NC 27263 with a legal description of Lots 133, 134, and 135 in the LH Kinney Subdivision.

(a) Defendants knew or should have known at the time of that filing that Green Tree Servicing LLC did not own the alleged Deed of Trust and the alleged debt underlying it. Fannie Mae owned the alleged Deed of Trust and the alleged debt underlying it at the time of the fraudulent foreclosure filing.

(b) Defendants fraudulently claim in their petition and in a letter dated March 13, 2012 that Green Tree Servicing, LLC is the creditor and servicer for the alleged debt. The truth is that Green Tree Servicing, LLC is at most the Servicer for the alleged debt. They are neither the creditor nor the holder of the alleged debt. As Servicer, Green Tree Servicing, LLC may have legal rights to take certain actions, but must disclose they are doing so on behalf of the Holder of the Debt, Fannie Mae. Defendants did not do so, but rather fraudulently claimed Green Tree Servicing, LLC was the Holder of the debt in an attempt to defraud James J Carter, Gladys M Carter, and Fannie Mae.

(c) Defendants knew or should have known at the time of the fraudulent filing that the address and legal description of the property in question were fraudulent and the alleged mortgage contract was invalid. The correct legal address of the property is 134a Renola Dr. Archdale, NC 27263. The correct legal description of the property is Lots 133, 134, 135, and 136 in the LH Kinney Subdivision.

(d) Defendants knew or should have known that the original mortgage contract and Deed of Trust with New Century Mortgage does not reference the address 148 Renola Dr. Archdale, NC 27263 and thus the mortgage contract and Deed of Trust do not give Green Tree Servicing, LLC or any other party the right to foreclose on a property with that address. The truth is that the original mortgage contract and Deed of Trust list 134 Renola Dr. Archdale, NC 27263 as the address for the property in question.

(e) Defendants fraudulently state in their petition that the Holder of the Note has accelerated the maturity of the debt. Green Tree Servicing, LLC is the party claiming to have accelerated the maturity of the debt. However, Green Tree Servicing, LLC is not the legal Holder of the Debt, Fannie Mae is. Therefore, the Holder of the Note did not accelerate the maturity of it.

(f) Defendants fraudulently claim in their filing that the Holder of the Note has instructed the Substitute Trustee to initiate foreclosure proceedings. The truth is that Green Tree Servicing, LLC instructed Rogers, Townsend, & Thomas P.C. to initiate foreclosure proceedings, but Green Tree Servicing, LLC is not the Holder of the alleged debt and Rogers, Townsend, & Thomas P.C. is not the Substitute Trustee as they were not appointed by the lawful Holder of the Note. Fannie Mae is the legal Holder of the alleged Note and Fannie Mae has not notified anyone that they have accelerated the maturity of the Note, much less that they appointed Rogers, Townsend, & Thomas, P.C. as Substitute Trustee and instructed them to do so.

(g) Defendants fraudulently claim in their petition that the Substitute Trustee is to be a neutral party in this transaction. The truth is that the alleged Substitute Trustee, Rogers, Townsend, & Thomas P.C., has conspired with Green Tree Servicing, LLC to commit this fraud and has destroyed any pretense of neutrality.

(h) Defendants knew or should have known at the time of the fraudulent foreclosure filing that James J Carter and Gladys M Carter had been defrauded into signing the alleged mortgage contract and deed of trust and thus those instruments were invalid. James J Carter and Gladys M Carter had notified Green Tree Servicing, LLC on multiple occasions that they were alleging they had been defrauded into signing the original mortgage contract and Deed of Trust. Defendants knew or should have known that if James J Carter and Gladys M Carter proved they had been defrauded into signing those documents the debt and Deed of Trust would be legally invalid, but still pursued this action in the Randolph County Superior Court without ascertaining the facts of the allegations surrounding the original mortgage contract and Deed of Trust. Following the filing of the fraudulent foreclosure petition James J Carter and Gladys M Carter notified Rogers, Townsend, & Thomas P.C. of the fraud allegations but they continued with the fraudulent foreclosure action in spite of this knowledge.

(i) Defendants fraudulently claim in their filing that “the pre-foreclosure notice and information required by G.S. 45-102 and G.S. 45-103 were provided in all material respects” and “the Holder has complied with the

provision of N.C. G.S. 45-21.1 (c) (5a) requiring the Holder to send by first-class mail at the Debtor(s)' last known address a detailed amount of principal, interest, and any other fees, expenses, and disbursements that the Holder is in good faith claiming to be due as of the date of the written statement." Defendants knew or should have known at the time of the fraudulent foreclosure filing that the lawful Holder of the alleged mortgage contract and Deed of Trust had not complied with any of these requirements of North Carolina Law, therefore, the foreclosure petition was fraudulent and invalid. While Green Tree Servicing, LLC may have complied with those requirements, Defendants knew or should have known Green Tree Servicing, LLC is not the legal owner of those instruments. Fannie Mae is the legal owner of those instruments and Fannie Mae has taken no action regarding any possible default or foreclosure on the alleged debt.

(j) Through these actions Defendants attempted to defraud James J Carter and Gladys M Carter out of real property worth at least \$150,000 through their filing in the Randolph County Superior Court.

(k) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment

Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(m) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(n) Plaintiffs request a Jury Trial on this Claim.

(5) On April 12, 2012 Defendants with intent to slander James J Carter and Gladys M Carter fraudulently filed and/or caused to be filed with the Randolph County Superior Court a foreclosure petition alleging Green Tree Servicing, LLC owned a Deed of Trust and the debt underlying it on a property therein described as 148 Renola Dr. Archdale, NC 27263 f/k/a 134 Renola Dr. Archdale, NC 27263 and made other public statements and reports alleging that James J Carter and Gladys M Carter had defaulted on a legally owed debt to Green Tree Servicing, LLC.

(a) Defendants knew or should have known at the time of that filing that James J Carter and Gladys M Carter did not owe a debt owned by Green Tree Servicing LLC and thus did not default on a debt owned by Green Tree Servicing, LLC. The alleged debt in question is owned by Fannie Mae and if James J Carter and Gladys M Carter defaulted on a debt to anyone, it would be Fannie Mae. However, Defendants did not

allege James J Carter and Gladys M Carter defaulted on a debt to Fannie Mae, nor has Fannie Mae made any such claim. Rather, Defendants falsely claimed James J Carter and Gladys M Carter defaulted on a debt to Green Tree Servicing, LLC. That is a statement Defendants knew or should have known was false.

Therefore, Defendants slandered James J Carter and Gladys M Carter by falsely claiming James J Carter and Gladys M Carter had defaulted on a debt owned by Green Tree Servicing LLC. This action harmed the credit scores and public reputation of James J Carter and Gladys M Carter. This action made it more difficult for James J Carter to find employment as the employers he has spoken to check credit records when considering making offers of employment. Having false information reported to the Credit Bureaus makes it harder for James J Carter to find employment under those circumstances.

(b) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management

Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(c) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(d) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(e) Plaintiffs request a Jury Trial on this Claim.

(6) On April 12, 2012 Defendants with intent to defraud James J Carter and Gladys M Carter fraudulently filed and/or caused to be filed with the Randolph County Superior Court a foreclosure petition alleging Rogers,

Townsend, & Thomas P.C. had been appointed Substitute Trustee of a Deed of Trust and the debt underlying it on a property therein described as 148 Renola Dr. Archdale, NC 27263 f/k/a 134 Renola Dr. Archdale, NC 27263 by the lawful owners of those instruments.

(a) Defendants knew or should have known at the time of that filing that Green Tree Servicing LLC had appointed Rogers, Townsend, & Thomas P.C. as Substitute Trustee but Green Tree Servicing, LLC was not the lawful owner of the Deed of Trust and the alleged debt underlying it. Fannie Mae owned the alleged debt and Deed of Trust and was the only entity that had the legal authority to appoint a Substitute Trustee which did not happen in this case. Therefore, Defendants attempted to defraud James J Carter and Gladys M Carter out of real property worth at least \$150,000 through their filing in the Randolph County Superior Court.

(b) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a

Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(c) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(d) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(e) Plaintiffs request a Jury Trial on this Claim.

(7) On April 12, 2012 Defendants with intent to commit grand larceny against James J Carter and Gladys M Carter fraudulently filed and/or caused to be filed with the Randolph County Superior Court a foreclosure petition alleging Green Tree Servicing, LLC owned a Deed of Trust and the debt underlying it on a property therein described as 148 Renola Dr. Archdale, NC 27263 f/k/a 134 Renola Dr. Archdale, NC 27263 with the stated purpose of selling the property.

(a) Defendants knew or should have known at the time of that filing that Green Tree Servicing LLC did not own the Deed of Trust and the alleged debt underlying it and thus neither they nor the Substitute Trustee appointed by Green Tree Services, LLC had the legal right to take the action requested therein. Fannie Mae owned the alleged Deed of Trust and alleged debt underlying it, thus only Fannie Mae or a Substitute Trustee appointed by Fannie Mae could legally attempt to sell the property in question should it be proven a default on a valid debt had occurred.

(b) Defendants state in the fraudulent petition that the purpose of the petition is for the Substitute Trustee to sell the real property in question, which would possibly be purchased by Green Tree Servicing, LLC at auction.

(c) Rogers, Townsend, & Thomas P.C. was not the lawful Substitute Trustee but fraudulently claimed to be the lawful Substitute Trustee in conspiracy with Green Tree Servicing, LLC and/or other Defendants in order to steal and sell the property in question in order to allow Green Tree Servicing, LLC to purchase it and defraud both Plaintiffs and Fannie Mae out of the property. Therefore, Defendants committed attempted grand larceny against James J Carter and Gladys M Carter by attempting to steal real property worth at least \$150,000.

(d) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on

James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(e) Plaintiffs are cognizant of the Court's wish that the parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

(f) This Court has jurisdiction in this matter because the Defendants have violated multiple federal laws, including mail fraud, fraud, and the RICO Act. This Court has jurisdiction in this matter because Defendants engaged in Interstate Commerce and used the U.S. Mail to commit the acts alleged in this Complaint and thus a State Court would not have sufficient jurisdiction to address the acts alleged in this Complaint. This Court has jurisdiction in this matter because not all Defendants reside and/or have physical locations in North Carolina. A State Court might not be able to exert jurisdiction and enforce orders such as Discovery and Depositions on a person or corporation not currently physically located in North Carolina.

(g) Plaintiffs request a Jury Trial on this Claim.

(8) On May 8, 2012 Defendants with intent to defraud James J Carter and Gladys M Carter did fraudulently schedule and then cancel a hearing before the Clerk of Courts for the Randolph County Superior Court on their fraudulent foreclosure petition.

(a) In their fraudulent foreclosure petition filed with the Randolph County Superior Court on April 12, 2012 Defendants state that they are required to notify James J Carter and Gladys M Carter in the event the hearing is canceled or rescheduled. Following notification that James J Carter and Gladys M Carter had sufficient evidence to prove the statements made by Defendants in the foreclosure petition were fraudulent and that during that hearing James J Carter and Gladys M Carter intended to ask the Randolph County Superior Court to order the arrest of the attorney for Rogers, Townsend, & Thomas P.C. on charges of fraud, perjury, and grand larceny, Defendants canceled the hearing but did not notify James J Carter and Gladys M Carter that the hearing had been canceled. Defendants did not ask for a new hearing date or provide James J Carter or Gladys M Carter a reason for canceling the hearing.

(b) Canceling the hearing under false pretenses and refusing to abide by the legal requirement to provide notification to James J Carter and Gladys M Carter shows consciousness of guilt on the part of Defendants as regards the allegations in this suit.

(c) These actions by Defendants caused James J Carter and Gladys M Carter harm in that they had to cancel other priorities and travel to the Randolph County Courthouse even though Defendants had already canceled the hearing.

(d) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

(e) Plaintiffs are cognizant of the Court's wish that the Parties reach a resolution to this matter without having to take up the Court's time and expertise with a trial. In light of that, Plaintiffs have reached out to

Defendants on multiple occasions prior to filing this Complaint to attempt to reach an amicable solution, and went so far as to offer to drop all possible criminal Complaints Plaintiffs could bring related to this action. However, all Defendants in this action have ignored Plaintiffs' attempts to make contact or to settle this matter prior to having to involve this Court. Of note is that Defendants have not chosen to deny the allegations made in this Complaint, which may be yet another indication of a consciousness of guilt on the part of the Defendants. Should this Court wish to order immediate mediation in order to resolve this Complaint, Plaintiffs would be amenable to such discussions in keeping with their previous attempts to settle this matter.

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(g) Plaintiffs request a Jury Trial on this Claim.

(9) From April 12, 2012 forward Defendants with intent to defraud James J Carter and Gladys M Carter have fraudulently pursued a foreclosure petition in Randolph County Superior Court, which they were required to suspend following notification of a dispute with regard to the debt and have failed to provide James J Carter and Gladys M Carter with written information proving the right of Green Tree Servicing, LLC to pursue collection of this debt.

(a) In their fraudulent foreclosure petition filed with the Randolph County Superior Court on April 12, 2012 and in a letter dated March 13, 2012 Defendants state "The law requires us to suspend our efforts (through litigation or otherwise) to collect the debt until we mail the requested information to you." James J Carter and Gladys M Carter notified Defendants they were disputing the debt as required, however, Defendants have not suspended this action or provided the requested information.

(b) These actions show consciousness of guilt on the part of Defendants as regards the allegations in this Complaint. The Defendants have failed to comply with North Carolina Law because to do so would prove they had committed fraud in their original foreclosure petition.

(c) Following are the reasons each Defendant in this Complaint should be held to be civilly and criminally liable for the claims made in this Complaint. All Defendants either directly or through employees and companies they are directly responsible for conspired to commit the acts detailed in this Complaint. John P Fetner, Attorney for Rogers, Townsend, & Thomas P.C., signed and mailed documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter. Said documents were then fraudulently filed with the Randolph County Superior Court. David N., an attorney with Rogers, Townsend, & Thomas, P.C., did fraudulently sign, mail, and file with the Randolph County Superior Court documents containing false statements that were used to attempt a fraudulent foreclosure on James J Carter and Gladys M Carter and committed other acts contained within this Complaint constituting fraud, conspiracy, and grand larceny. (The signature and the stamped signature on the documents filed with the Randolph County Superior Court are illegible and thus the full name of this Defendant is not known at this point.) Other employees of Rogers, Townsend, & Thomas P.C., Greentree Servicing, LLC, and Walter Investment Management Corp may also have committed acts that make them civilly or criminally liable, however, their names are not known at this time. Plaintiffs will seek to identify these Parties through Discovery. All actions in this Complaint were taken in the Name of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC. Therefore, these companies are each corporately liable from both a civil and criminal standpoint for the actions their employees took on behalf of the corporation. Walter Investment Management Corp is the owner of the Limited Liability Corporation Green Tree Servicing, LLC. As a Public Company covered by Sarbanes-Oxley and other Federal Laws, Walter Investment Management Corp is liable civilly and criminally for the actions of a Limited Liability Corporation in which it owns the majority or entirety of the stock. The Senior Officer, and possibly other Officers, of a Corporation or Partnership is liable civilly and criminally for the actions of the company and its Officers, Partners, Associates, and/or Employees when they are acting in an Official Capacity. Therefore, the Senior Officers of Rogers, Townsend, & Thomas P.C. and Green Tree Servicing, LLC – Names Unknown to Plaintiffs at

this time - and the CEO of Walter Investment Management Corp must be held to be personally civilly and criminally liable for the claims made in this Complaint.

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(f) Plaintiffs request a Jury Trial on this Claim.

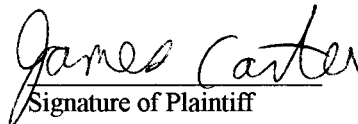
IV. RELIEF

State briefly what relief you want from this court.

James J Carter and Gladys M Carter demand judgment and relief in an amount in excess of \$100,000,000 in compensatory and punitive damages for each claim in this Complaint from each Defendant. Punitive damages are warranted in this case due to the egregious nature of Defendants' actions and to ensure such actions are not repeated in the future. Part of the reason for the current state of the American Economy

presently is the illegal and unethical actions of mortgage companies, mortgage servicing companies, and their attorneys over the last several years. Many of those actions are similar to what Defendants did in this case. Maximum punitive damages must be awarded against each Defendant in order to stop them or other similar Parties from committing such acts in the future. Plaintiffs demand judgment and relief of triple the damages awarded on each claim in this Complaint for violations of the Federal RICO Act. Plaintiffs demand the Court refer this matter to the U.S. Attorney and FBI for investigation of possible criminal violations of Federal Law as each of the points listed above prove the criminal acts of fraud, conspiracy, attempted grand larceny, and/or mail fraud. Plaintiffs demand the Court refer this matter to the North Carolina State Bar for investigation of whether the attorneys named as Defendants committed violations of their duties as licensed attorneys and Officers of the Court. Plaintiffs demand the Court order Defendants to retract all statements related to the alleged debt and remove any reference to an alleged debt to Green Tree Servicing, LLC from any and all Credit Bureaus or other locations whereby they have previously reported it. Plaintiffs demand the Court issue an immediate injunction ordering Defendants and all other parties to cease and desist any and all collection or foreclosure actions related to the property in question until such a time as this case reaches its conclusion.

Signed this 18 day of May, 2012,


Signature of Plaintiff

148 Renola Dr.
Address
Archdale, NC 27263

336-988-9243
Telephone


Signature of Plaintiff

148 Renola Dr.
Address
Archdale, NC 27263

336-988-9243
Telephone